

**From State Church to Third Sector Organization?
The Separation of Church and State in Sweden**

Tobias Harding

Professor of Cultural Policy and Cultural Administration
Department of Culture, Religion, and Social Studies
University College of Southeast Norway
tobias.harding@jyu.fi

Paper presented at the 12th international conference of the ISTR
Stockholm June 28 - July 1, 2016,
and also posted in the conference working paper series-volume X

Paper presented at the 12th international conference of the ISTR
Stockholm June 28 - July 1, 2016

From State Church to Third Sector Organization? The Separation of Church and State in Sweden

Tobias Harding¹

Professor of Cultural Policy and Cultural Administration
Department of Culture, Religion, and Social Studies
University College of Southeast Norway
tobias.harding@jyu.fi

During most of the 20th century, the Church of Sweden was a typical example of a northern European national established church. The separation of church and state in Sweden had been discussed repeatedly during most of the century, without reaching an overall solution. However, in the early 1990's, a compromise was reached, and the relationship between church and state in Sweden was transformed, simultaneously changing the nature of the Church of Sweden itself by apparently transferring it from the public sector to the private sector. This paper offers an analysis of this reform, which came in effect in 2000, including how the issue was framed and the arguments used to legitimize the reform. It also offers an analysis of what the reform changed in terms of the relationship between the Church and the state, arguing that a strong relationship between the state and religious denominations still exists in Sweden. Even though several steps have been taken towards considering Lutheran Christianity one religion among many in a society where the state is neutral in religious affairs, the reform has left the Church as a legally regulated entity in the gray zone between the state and the third sector, while at the same time strengthening the relationship between the government and other denominations. In spite of this, the changed relationship between church and state may have enabled the Church of Sweden to take a more active part in Swedish society, both in terms of politics, and in terms of supply of welfare services.

The aim of this paper is to discern what changed in the relationship between the Church of Sweden and the state through the reform of 2000, which arguments, or norms, legitimized the change, and how the relationship between the Church of Sweden and the state could be described, in terms of state and third-sector-relations, today. Studies of the third sector in

^{1 1} This paper includes results of research funded by the Swedish Research Council (Vetenskapsrådet) within the research project "How the Church of Sweden was transformed into a national cultural heritage" (Dnr 2013-1908). I would like to thank Ola Wetterberg, Svante Bäckman, Magdalena Hillström, and Eva Löfgren, my colleagues in that project. I would also like to thank Veronika Possek for editing this paper.

Sweden have often focused on membership-based popular movement organizations, and more recently on the growing role of the third sector as a provider of welfare services (e.g. Wijkström 1997, Trägårdh 2011, Rothstein & Trägårdh 2007), thus ignoring the special features of the Church of Sweden. Yet, the Church of Sweden is not only the largest and richest third sector organization in the country (SCB 2014) but also one which has had a large and often overlooked role in the development of the Swedish welfare state (Berggren & Trägårdh 2015, Naumann 2014, Wijkström 2014). This paper will thus contribute to our understanding of the role played today by the Church of Sweden as a central actor in the borderlands between state and civil society in Sweden today. By extension, it will also contribute to our understanding of the roles of the established Protestant national churches in general, a subject which has arguably been the subject of fewer studies than secularization processes in other parts of Western Christianity (Casanova 2014).

The main type of empirical material used to support the analysis presented in this paper consists of public official documents, mainly the reports of government commissions, government bills, statements by the Church of Sweden, and the answers given to government commission reports by bodies representing the Church of Sweden. The study includes all government commission reports and government bills concerning the relationship between church and state in Sweden presented in the 1990s, as well as the main officially registered responses to these. It also includes key documents from earlier parts of the 20th century, such as the reports of the government commissions on the possible separation of church and state presented in 1968 and 1972 (SOU 1968:11 and SOU 1972:36²).

Central Concepts

‘State’ and ‘third sector’ are central concepts in this paper, as are ‘secularization’, ‘church’, and ‘denomination’. While the wider public sector, including all levels of government, can be included in a wider state sphere in society, ‘the state’, when nothing is stated to the contrary, here refers to the government of Sweden and its institutions. The third sector is understood as a sphere of society populated by non-government non-profit organization (cf. Wijkström 1997). More specifically, such organizations are recognized on the basis of Salamon and Anheier’s classical definition. To be viewed as a third sector organization, an organization should thus

1. be formally organized, that is, be institutionalized in some way;
2. be private and thus separate from the government;
3. be nonprofit-distributing, that is, not returning any profits or dividends to owners, directors or members;

² Reports from Swedish government commissions are referred to by their numbers in the official SOU series, including year of publication and issue number.

4. be self-governing, that is, equipped with their own internal apparatus for governance; and
5. be voluntary, that is, involving some meaningful degree of voluntary participation, either in the operation or management of the organization's affairs. (Salamon & Anheier 1997, pp. 33-34).

As we shall see, the Church of Sweden could be considered a hybrid organization during most of the last hundred years, including features commonly associated with the state, as well as with the third sector. Most importantly, its self-government has been significantly limited through legislation, even though the Church has also, for most of its history, had direct influence on this legislation. The issue of ownership in the Church was also, as we shall see, more complicated than one could have expected. The term 'corporatism' is used here to refer to an arrangement where organizations such as a state church are given direct representation in the government, e.g. in legislative processes, while 'neo-corporatism' refers to the close relationships between governments and interest organizations typical of many post-war welfare states (Rothstein & Trägårdh 2007, Munck Christianssen et al 2010). Corporatism, in the older sense, is generally associated with pre-Modern and Early Modern societies, whereas neo-corporatism is often considered to be a central feature of 20th century Swedish politics and to a lesser extent of Swedish politics today.

Third sector organizations can also be seen as forming an organizational field within a society (cf. Powell & DiMaggio 1991). As such, they could be expected to adhere to a set of institutionalized norms isomorphic to the field, but different from other fields in the same society. Much of the Swedish third sector has been described as submerged in a 'popular movement marinade', i.e. characterized by the normative idea of third sector organizations as popular movement organizations. As such, a successful and typical organization is expected to be characterized by openness, national coverage, a large number of members, and equal democratic influence for all members in a system of internal representative democracy (Hvenmark & Wikström 2004, Hvenmark 2008, Harding 2012).

The process of secularization can be separated into several different aspects (Taylor 2007, Casanova 1994). Some of these aspects, such as decreasing belief in God, primarily form a background for the issues discussed in this paper, which deals with the situation in a country where now only 45 percent of the population now identify as believing in "God" (Bromander 2013). The most important aspect, in the context of this paper, may be the differentiation of society into different spheres, relegating religion to the private sphere, and to civil society, separating it from the public sphere and the state. This aspect was first described by Max Weber (1922) as a part of his general analysis of modernization as a process of rationalization. The separation of different spheres can itself be separated into a number of aspects, including the disenchantment of our general approach to the world, and the purely organizational differentiation of different aspects of public life. Later analysis has suggested that processes of secularization are more complex and less one-directional than imagined by early sociologists. As shown by the developments in the Nordic countries, privatization of religion can be combined with – even increased by – a close relationship between church and

state (Casanova 1994, 2015), i.e. by a relatively weak separation between the sphere of religion and the political-administrative sphere of the state.

When it comes to faith-based organizations, the line between state and civil society is strongly associated with the Weberian distinction between church and denomination. In this sense, the term ‘church’ refers to a religious institution officially viewed as the only legitimate religious institution in a specific territory. A denomination can, on the other hand, be distinguished from a church by being understood as one among many religious communities active in the same society. The distinction should be understood in the context of a secularization process where society moves from recognizing one religious institution as the Church, and assigning it a unique position in relation to the state, towards considering religion a part of civil society and private life (Casanova 1994, 2015).

The Historical Relationship between Church and State in Sweden

Like most of the Northwest-European national churches, the Church of Sweden originates in the Reformation. During the 16th century, the Archdiocese of Uppsala was separated from the Roman Catholic Church, the King of Sweden became the head of the Church, and ecclesiastical law was integrated with the law of the kingdom. During the same century, the Swedish Parliament was composed of four estates, of which the clergy formed one. In 1686, Canon Law was replaced by a Swedish Church Law, regulating the life of the Church in great detail. At the same time the clergy of the Church composed a quarter of Parliament. Although a struggle between the Crown and the ecclesiastical authorities continued during the 17th century and the episcopal structure the Church was maintained, the Church and the state became highly intertwined (Ekström 2003, Inger 2002, Thorkildsen 2014). From a theological point of view, this system could be related to the Lutheran two-kingdoms theory, separating not church and state, but the visible and the invisible church. While the true invisible church is “sinless, invisible and spiritual, perceptible by faith alone”, the visible church is composed of both sinners and saints (as all Christians are presumed to be both), and ruled by secular law as a part of the earthly kingdom (Witte 2014, p. 66, quote from Luther 1883, p. 710). This contrasts significantly with the Catholic view of the Church and the state as separate bodies with separated responsibilities and functions in the organization of Christendom, while the two-kingdoms theory gave the secular state authority also over religious matters. It thus makes up part of the background to the different trajectories of secularization in historically Catholic societies and in those of the historically Lutheran nation-states of northern Europe (cf. Casanova 2014). In Weberian terms, this is more in line with Weber’s view of Protestantism as a secularization of Christian morality, in the sense of making morality a matter for lay persons, as well as for the clergy, and less a matter of separating social spheres (cf. Weber 1930). As such, it can also be related to later Nordic views of the state as an upholder of the ethos of society (cf. Harding 2016a, Berggren & Trägårdh 2015).

Beneath the national institutions of the established church, much of the structure of the

medieval church remained in the form of parishes, cathedral chapters, dioceses, etc. Outside the cities and towns, parishes combined secular and clerical responsibilities as the only existing local government. As such, the parishes were led not only by a vicar, but also involved the laity in its leadership, either directly, or through elected councils (Ekström 2003, Bexell 2003). To further complicate matters, church buildings were not usually considered to be the property of the parish. Since medieval times, the churches were instead considered to be self-owning units with the ability to own property of their own.³ Attached to the churches was generally also land property donated or entrusted by the Crown to churches, in order to provide them with income for purposes such as priest salaries and maintenance. There were also many other foundation-like units attached to churches and parishes, often created through donations at various points in history (Ekström 2003, SOU 1968:11). These foundation-like institutions could be considered to have had certain third-sector-like features. On the one hand, their purposes were predetermined in a manner similar that of the statutes of foundations, and could thus be considered a part of an emerging civil society (Taylor 2007). On the other hand, their independence could be questioned, since they were under the control of parishes, which – especially after the Reformation – could be considered to be bodies of local government.

Significant changes, which can be considered a first step towards separation of church and state, came in the 1860s. In 1862, secular local government in the country-side parishes was separated from their religious responsibilities through the creation of municipal authorities separate from the parishes. The parishes, however, retained their existing structural separation of representative and clerical bodies. Four years later, in 1866, the parliament of the four estates was replaced by a two-chamber parliament. To compensate the Church for its loss of the role of the clergy in the legislative process, a national Synod consisting of representatives in equal proportion of both, the clergy, and the laity, was created for the Church of Sweden. This Synod was also given the right to be consulted on, and even veto, proposals to the parliament concerning legislation in the area of Church law (Ekström 2003, Bexell 2003, Nauman 2014). The Church of Sweden was thus given a national assembly of its own, replacing the Clerical Estate, and retaining a role in the legislative process, but only with the regards to the – still extensive – legislation regulating the Church.

During the 20th century, the separation of church and state was repeatedly the subject of political debate. The first Social Democratic party programs were all in favor of the separation of church and state, and similar positions were argued both by secular liberals and by non-conformist churches. However, when the Social Democratic Party stabilized its position as the dominant political party in Sweden, in the 1930s, it also came to espouse the notion that a democratically controlled state church was preferable to a religious landscape dominated by one or more conservative independent denominations, raising the new question of whether democratic control should then be exercised through the ministry of ecclesiastic affairs, or through elected bodies within the Church. In the end, the latter view came to dominate developments; representative assemblies elected through voting on political lists

³ At the same time, most country-side parishes were not considered to be legal subjects until 1817, when new legislation on local church councils and assemblies was enacted (SOU 1968:11).

became mandatory on the parish level, while representatives elected by such bodies took seats alongside the clergy in the national Synod. This development also reaffirmed the parish as the fundamental level of the Church. In a similar manner, the sometimes-heated discussions conserving the organization of Church properties taking place during the interbellum period were resolved through reaffirmation of the tie between most of the independent Church properties to the parishes of the Church of Sweden, rather than, for example, including Church forests in the increasingly centralized national forest administration as suggest at several occasions (Harding 2016a, Claesson 2004, Ekström 2003, Naumann 2014).

After the right to leave the Church of Sweden had been fully recognized in 1952 (Ekström 2003, SFS 1951:680), the discussion about separating church and state entered a new stage. While the separation of church and state had previously been a controversial and divisive issue even within the ruling Social Democratic Party (Harding 2016a), at this point it became increasingly accepted, at least in theory, by the Church as well as by major political parties, even though solutions to the many divisive practical issues in implementing such a reform would continue to elude those responsible. In the 1960s and the 1970s, two government commissions were appointed to deal with these issues. While the government, in its directives to the first of these commissions, stipulated that “it appears to be clear that the state should not relinquish all responsibility for religious issues” (SOU 1968:11, p. 15), both commissions came to present alternatives in which church and state could be fully separated. There had been several problems which the commissions had had to solve in order to present a way to separation, including the following:

1. How should the Church be financed after a separation between Church and state? The government commission reporting in 1972 had proposed that the Church tax on non-members should be abolished, and that the state should offer help in collecting church fees from its members, but only as a temporary measure (SOU 1972:36).
2. Ownership of the Church properties, including properties entrusted to church institutions by the crown. The commission in 1972 suggested that the Church should be enabled to continue to benefit from these, using them for the purposes for which they were designated, noting that “We see our proposal – that this property should be at the disposal of the Church of Sweden – as one of the expressions of the generosity of which our directives [from the government] speak” (SOU 1972:36. p. 18).
3. Replacing automatic Church membership for newborns with a more voluntary form of membership (SOU 1972:36)
4. Administration of cemeteries, which the commission in 1972 proposed should be transferred to the municipalities (SOU 1972:36).
5. The lack of central administrative and financial bodies in the Church, separate from those of the state (SOU 1972:36).

The general principle, from which the government commission on church and state reporting in 1972 had conducted its work, was that of separation between religious and secular responsibilities, where the latter were considered government responsibility and the former the responsibility of the Church as a denomination in civil society (SOU 1972:36). Earlier in the 20th century, religious instruction in public schools had been a central issue. Arthur Engberg, the Social Democratic Minister of Ecclesiastical Affairs in the 1930s had even insisted that the Church of Sweden needed to remain under government control as long as Christianity was taught in Swedish schools, in order for the state not to lose control of the values taught to young citizens (Claesson 2004, Harding 2016a). By 1972, this issue was considered to have been solved through the educational reforms of the 1960s, which had replaced religious instruction with the more objectively oriented subject of Religion (SOU 1972:36, Ekström 2003).

Simultaneously with these discussions, the Swedish constitution was reformed. With the new Instrument of Government of 1974 (SFS 1974:152), parliament was declared to be the sole legislator, abolishing the formal role of the King. The legislative role of the Synod of the Church of Sweden remained only in the transitional regulations of the new constitution, i.e. until a more permanent solution – such as a separation of church and state – could be arranged. Yet, at the end of the 1970s, it had become clear that the Church would not accept the roads to separation being suggested by the government commission. In 1979, the Synod officially rejected the model for separation between church and state which had been based on the work of government commissions in the 1960s and early 1970s. Instead, the government took the initiative to several partial reforms, aiming to give the Church of Sweden a separate but democratic central structure within the form of a legally established Church (Ekström 2003).

In 1983, the national Synod was remade into a national representation for the members of the Church, elected by the parish councils, as the parish was considered to be the basic unit of the Church. The new elected Synod, in turn, elected a national board with a Secretary General to execute its decisions. While the Archbishop became the *ex officio* chairman of the board (Government Bill 1981/82:77, Ekström 2003), this gave the laity representatives a national organization parallel to the clerical hierarchy. These decisions were building on the established concept of parish democracy and laity influence, combining it with the now equally established concept of proportional party elections as the norm for democratic representation (cf. Harding 2016a, Claesson 2004, Blücker 2000). While the Church had been pressing for the more unified structure achieved through the creation of a national board, the Archbishop, according to his biographer, considered the reorganization of the Synod to be the best possible alternative only under strained circumstances (Laxvik 1992).

The Discussions 1988-2000

A First Inquiry: The Commission on Finances and Law in the Church

When the general regulation of the Church was brought up at government level once more, it was with reference to discussions in the National Synod. The Synod had noted that "if a meaningful discussion concerning church-and-state relations is to be possible, it has to be clarified to what extent, and in which ways, the conditions for the work of the Church would be influenced by possible changes in these relations" (Statement of the Synod, quoted in SOU 1992:9, p 28). The government agreed, and, in 1989, the responsible minister appointed former Minister of Justice Carl Axel Petri to present an enquiry report on the following issues:

[T]o present a rich foundation for judging the financial and legal conditions under which the Church currently lives, and how these could be adapted to changed relations, within the current connection between state and Church, or changes of a more far-reaching nature (SOU 1992:9, p 29).

Sören Ekström (2003), who was at the time Secretary General of the Church of Sweden and an expert advisor to the commissioner, has commented that the expectations on this report were exceeded with a wide margin. According to the analysis presented in the report, the practical problems of separating church and state appeared solvable, especially in light of the reforms made in the 1980s. While the creation of the new Synod was described as not having changed the fundamental relation between church and state, the report considered the new Synod to provide democratic legitimacy for a Church that could now become an independent organization:

[I]f the Church of Sweden would, in the future, wish for a development towards increased independence, the existence of this representative organ will ease this process (SOU 1992:9, p. 256).

The creation of an elected body representing the members of the Church would in other words legitimize the Church as a democratic organization similar to other Swedish third sector organizations (cf. Rothstein & Trägårdh 2007), even though the assemblies electing its members were modeled on municipal assemblies, i.e. on a public sector institution. At the same time, the report also viewed a separation of church and state to be unessential to the religious freedom of the Church as such. The main argument for this position was that the Church of Sweden had already rejected full separation from the state, at least in the version in which it had been proposed to them by earlier governments. Openness to the entire population and a close connection to the state were also considered to be a part of the Lutheran tradition (SOU 1992:9, cf. Blücker 2000, Claesson 2004):

For historical and religious reasons it has, in the Church of Sweden, and in Lutheran churches in general, been natural to accept government influence on issues where other denominations have wished to reserve decision-making for themselves. The principle of the religious freedom of the denominations should thus not be the only principle guiding the design of relations between the state and the Church of Sweden [---] The,

for the Church of Sweden, central idea of an open people's church⁴ contrasts significantly with the more membership-oriented perspective of the traditional non-conformist churches (SOU 1992:9, p. 264f).

Freedom of religion, as legally and constitutionally defined, could also be considered to be respected to the extent that the religious freedom of non-members of the established church was guaranteed. This was, in the view of the report, not currently the case, since children automatically became members of the Church. Membership through baptism, or some other active act of joining the Church, would, on the other hand fulfill this criterion, even if the choice would be carried out by the guardians of a child.

Equal treatment should not necessarily mean that all religious organizations should have the same form of organization. In the view of the report, a separation of church and state respecting the religious freedom of the majority church ought to respect its self-identity. This included its open character, but also its combination of clerical authority and democratic representation of the laity, both of which could be traced back to medieval times, a notion which had been established in the Church at least as far back as the early 20th century (cf. Claesson 2004, Harding 2016a). The Church was, furthermore, not only composed of public bodies, such as parishes and dioceses, but also of number of third sector organizations, including a large number of foundations and foundation-like bodies.

In its totality, the Church of Sweden could not be considered a part of the state, but neither could it be considered purely a foundation or a membership association. Petri made a thorough description of legal ownership in the Church and concluded that it would not necessarily be legal for the state to change the use of much of the Church property, as long as its intended religious use continued to exist, even in some cases when these properties were, strictly speaking, still public property legally assigned to specific purposes using quasi-feudal legal instruments. A separation of church and state would thus become significantly easier if the state would simply relinquish all claims to such property. Classifying foundation-like legally regulated properties as foundations, and thus transferring them from a pre-modern borderland between state and civil society into the thirds sector, would, according to the report, guarantee that their use remained as intended, while heritage values were protected, and properties could be used in a financially optimal way.

In spite of the many complexities it addressed, the report recognized the existence of significant arguments for a further separation of church and state, with the main one being the increased cultural and religious heterogeneity of Sweden, which "meant that the current state of things, with a religious denomination in a special relationship to the state, can appear archaic" (SOU 1992:9, p. 267). In the case that a further separation would be desired, the report could see two main ways to reform the legal regulations of the Church, either making special regulation of the Church an entirely internal matter for it, or make general regulations in the form of a framework law. Separating responsibility for funerals and cemeteries from

⁴ *Folkkyrkan*, the "people's church" is in many ways a central concept in the self-perception of the Church of Sweden, implying that it is a church for the entire people, the national Swedish church (Harding 2016a, Blücker 2000, Claesson 2003).

the Church was recommended regardless of other issues, although the report also emphasized that even though this was a public responsibility, it could still be delegated to a non-public organization.

The Church Commission

Directly following the publication of this report, the non-socialist government, elected while it was being written, decided to proceed with the process of preparing a separation of church and state. Petri was now appointed chairman of a commission including representatives of all the political parties represented in parliament. The central principle of the new document was that of the religious neutrality of the state.

Ecclesiastical operations have, over the centuries, been of major importance for the development of Swedish society. This society has been significantly influenced by Christianity. In our view, there are still reasons for the state to be positive to religious activities, e.g. considering their social function. This should be with respect for those citizens who for themselves reject religious activity. In a modern society, the state has no reason to specifically support any individual religious denomination. To the contrary; the state should, to the largest possible extent, take a neutral position towards the various denominations. This should, in our view, be the fundament for the relations of the state towards the Church of Sweden, and towards other denominations (SOU 1994:42, p. 11).

The plan laid out to reach this goal, largely followed the suggestions of the previous commission: all religious denominations would be offered the choice of using 'registered denomination' as their official legal form of organization, similar to the already existing form of non-government association. As denominations, they would have a permanent right to help from tax authorities in collecting their membership-fees. The Church of Sweden should also be a registered denomination, but be specifically regulated through a Law on the Church of Sweden, protected on the constitutional level. It would also remain responsible for funerals and cemeteries, for which it would be able to levy a special fee, obligatory for all inhabitants of Sweden. For the preservation of cultural heritage, the Church should receive funding from the state, not an annual grant, but as part of a more long-term agreement. Regarding specially regulated and foundation-like church property, the commission proposed that it should be reorganized in the legal form of foundations. It also stated as its view that "a legal regulation with the consequence that property that is currently owned by foundation-like entities, e.g. a parish church, is transferred to another legal subject is hardly possible considering the current legal protection of property rights (SOU 1994:42, p. 124). The entire Church would thus take the form of third sector organizations, either as registered denominations on various levels, or in the form of foundations. As a timeframe, it was suggested that the reforms should be in effect by 2000.

Not all members of the commission agreed to this plan. On the one hand, the representatives

of the Centre Party and the populist New Democracy both rejected the idea of abolishing the legally established church, arguing instead for continuing reforms without changing the fundamental nature of the relationship, e.g. retaining the taxation rights of the parishes. The Liberal Party and the Left Party, on the other hand, argued against any special regulation of the Church of Sweden. The only parties to fully stand behind the report were thus the two largest: the Social Democrats and the Moderates. The center-right Moderate Party, the largest opposition party, had begun its support for a separation of church and state as recent as 1987 (Ekström 2003). The Social Democrats had always in principle favored a separation, but there had also, at least since the party became established as governing party in the 1930s, been leading members who emphasized the importance of a certain amount of government influence on an organization which organized such a large portion of the population (Harding 2016a).

The principle decision in 1995

By 1995, the Church Synod had approved the general policy presented by these government commissions. Most of the other entities representing the Church on various levels also approved of the changes, although several practical issues remained; e.g. the Central Board of the Church wanted the ongoing reforms of the legislation on foundations to reach a conclusion before a decision was made on the future legal form of church properties (SOU 1994:42, Harding 2007). The support of the Center Party was secured only in 1995. While the resigning Social Democratic Prime Minister Ingvar Carlsson was in favor of a reform, his emerging successor Göran Persson remained convinced that the Church of Sweden constituted a vital unifying institution in a rapidly changing and multicultural society (Ekström 2003, Harding 2007). In his 2007 biography, Persson would stay with his view that the separation of church and state had been a significant mistake, convinced that a disestablished church will increasingly become a denomination controlled by a minority, instead of the open People's Church it had been in the 20th century (Persson 2007).

The government bill stating the central principles for a new relationship between the state and the Church of Sweden (Government Bill 1995/96:80) became one of the last major issues handled by the government of Ingvar Carlsson. The program it presented was one based on the work of the two government commissions led by Petri during the preceding years, including its timeline. The Church of Sweden and its regional and local units should become third sector organizations, and retain access to church properties, either in the form of foundations, or with special legal regulation of their uses, as proposed by the Central Board of the Church. In a similar way, the government saw a continued need for some sort of legal regulation ensuring that the identity of the Church of Sweden, as an Evangelical-Lutheran open and democratic People's Church with activities in the entirety of the country and based in its autonomous parishes, was retained in the future:

Also in the case of a changed relationship between the state and the Church of Sweden certain limited legislation is needed. The primary reasons for this are that, also in the

future, the state should contribute to the preservation of the identity and the character of the Church of Sweden. It should thus be an Evangelical-Lutheran religious denomination with an episcopal structure and an open People's Church, with national coverage and democratically structured (Government Bill 1995/96:80).

As to the issues of funerals, cemeteries, and heritage preservation, the government stated that these should remain the responsibilities of the government. However, the government also emphasized the excellent work done by the Church in these areas, and the need to inquire further into an administrative solution which would make it possible for the Church to continue its work with these issues. The main argument for a reform was considered to be the combination of social change towards a more pluralistic society, and recent organizational changes within the Church which have created bodies able to take over the responsibility for leading the Church as a unified entity separate from the State.

A new model for church-and-state relations is finalized

During the following years, several government commissions were appointed to develop practical models for the new relationship between church and state, commissions regarding changes in the constitution, the two new laws on religious denominations (SFS 1998:1593), and on the Church of Sweden (SFS 1998:1591, SOU 1997:41), funeral services and cemeteries (SOU 1997:42), the conservation of religious heritage and Church archives (SOU 1997:43), conditions for Church employees (SOU 1997:44), Church property (SOU 1997:55), and the transition from taxes to membership fees as the main way of financing the Church (SOU 1997:47). The government propositions based on these inquiries were presented in Government Bill 1998/99:38 and Government Bill 1998/99:116, and accepted by the Parliament, enacting the changes discussed below.

The cultural heritage maintained by the Church would remain legally protected in the same manner as earlier, with automatic legal protection of all churches built before 1940 (SOU 1997:43, Government Bill 1998/99:38). This idea of protecting churches as cultural heritage central to national and local identity had been firmly established for at least a century (Harding 2016a, 2016b), and was never questioned in the discussions covered in this article. At the same time, it was considered integral to the cultural value of Sweden's religious heritage that "this is a living cultural heritage which, throughout the centuries, has been continuously used, and is still used, for the same purpose" (Government Bill 1998/99:38). Any future model should thus encourage the continued use of churches and other parts of the material religious heritage by the Church of Sweden and its parishes, which were considered a continuation of the medieval church and parishes (cf. Harding 2016a, 2016b). The government would thus compensate the Church financially for costs of heritage conservation. The exact sum and general conditions for this compensation should be covered by a specific agreement between the Church of Sweden and the state, which would be represented by its heritage authorities in supervising the use of this funding (SOU 1997:43, Government Bill 1998/99:38). By choosing the form of an agreement, the state could simultaneously recognize

third sector ownership of heritage churches, guarantee that the state would continue to contribute to financing their maintenance, make requirements on that maintenance, and maintain the right of government authorities to supervise it.

The cemeteries, often church yards surrounding the heritage-protected churches, and themselves often considered part of a cultural heritage, would also remain, or become, church property. The responsibility for providing funerals and cemeteries was, on the other hand, considered to ultimately fall on the state. However, this responsibility could, in most cases, be delegated to Church of Sweden parishes, which would fulfill it under the supervision of the County Administrative Boards, acting as representatives of the state. The national government will also maintain the ability to instead delegate it to the municipal governments. This was made to be the case for Stockholm municipality (SOU 1997:42, Government Bill 1998/99:38).

Church properties would, in most cases, become the direct property of the Church of Sweden or its parishes (although, in some cases, specific legal regulation will be retained, e.g. properties intended to finance the employment of priests should be used for this purpose). The guiding principle was that the properties should continue to be used as intended, while the Church should be granted a high degree of freedom in using those:

The government makes the judgment that the vital aspect ought to be to guarantee that the property is used for the purposes for which it is intended. As the Legal, Financial and Administrative Services Agency has shown in its report, not all statutes of purpose pertaining to the various kinds of property can be considered equal. [...] For certain properties, retaining current regulations on intended use would require vast regulation, which would go against the principle of autonomy for the Church of Sweden. A central condition for the views of the government has been that the Church of Sweden, from what we have learned, does not plan any major changes in the ecclesiastical structure in connection to the change of relations. This state of affairs has led the government to suggest a transferal of ownership to various bodies within the Church of Sweden, generally in combination with a regulation of purpose (Government Bill 1997/98:116).

In practice, this meant that the many foundation-like entities, e.g. self-owning parish churches, previously populating the Church of Sweden would be taken over by bodies, such as parishes, which had previously been public sector units but which would now become more similar to third sector organizations.

From year 2000, 'registered denomination' would be a legal form available for religious organizations and obligatory for the Church of Sweden and its parishes. Based on the previously mentioned plan (SOU 1994:42) dealing with fees and taxation, registered denominations would be equivalent to non-profit associations, but they would have the right to assistance from the tax authority in collecting fees, as regulated in the Law on Religious Denominations. For the Church of Sweden, additional legislation would be included in the Law on the Church of Sweden.

The decision constitutes a compromise between, on the one hand, the necessity of considering the unique standing which the Church of Sweden has, due to its long historical development and the large portion of persons belonging to it, and, on the other hand, the desire to increase equality between religious denominations (Government Bill 1997/98:116).

Regarding religious denominations in general, the new dominant perspective was that the government should be neutral towards, but supportive of those. Religion was to be henceforth considered a private choice, comparable to joining a political party or civil society organization. Many of the historical activities of the Church of Sweden had been taken over by the welfare state, and some of the activities which it continued to engage in, came to be considered government responsibilities, which could be delegated to it for practical purposes.

While the general aim was to increase the freedom of the Church of Sweden, its identity should still be legally, indeed, constitutionally, determined. This was considered to be fully in line with the wishes expressed by the Church itself, as represented by the Synod, the National Board of the Church, and other organs responding to government inquiries. The most central of these regulations could be summed up in the first paragraphs of the new Law on the Church of Sweden, which has regulated its activities since January 1, 2000.

§1 The Church of Sweden is an Evangelical-Lutheran denomination, appearing in the form of parishes and dioceses. The Church of Sweden also has national bodies.

§2 The Church of Sweden is an open People's Church, which in mutual cooperation between a democratic organization and ecclesiastic authority conducts activities with country-wide coverage. [...]

§4 The parish is a local unit within the Church of Sweden encompassing the persons who are members of the Church of Sweden and living within the territory of the parish. The fundamental responsibilities of the parish are to celebrate church services, teach, and conduct diaconal and missionary work.

§5 [...] For every diocese, there should be a bishop.

§6 The Church Synod is the highest decision-making body of the Church of Sweden. [...]

§9 Priest salary properties and priest salary funds have as their purpose to contribute to the financial conditions for the teaching of the Church of Sweden. Only the profits are to be used in this manner (SFS 1998:1591).

The general organizational model of the Church was, in other words, still legally regulated as being democratic, episcopal, parish-based, country-wide and open. Regulations on the use of certain properties were also included, albeit only loosely stated, as was the Evangelical-Lutheran creed. However, within of the provisions included in this law, the Church would be free to regulate itself. Most of the regulations which had earlier been included in the

legislation now became a part of an internal system.

Concluding Remarks

Through the reforms of the 1980s, the Church of Sweden had gained more of a centralized national organization, e.g. in the form of the National Board of the Church. This new organization was also politicized through the practice of list-based proportional elections to the Synod, which also elected the Board. In practice, this meant that church elections and elected assemblies on local, regional, and national levels came to function in a similar fashion to that of the elected assemblies of the public sector, such as the national parliament, generally even with the same political parties represented in the assemblies. The members of these assemblies could thus be expected to be recruited from a similar organizational background as those of the corresponding elected assemblies of the public sector. The organization of the Church of Sweden was thus adapted to norms originating in the democracy of the public sector.

Following these reforms, the Church of Sweden existed as a set of bodies regulated by national law, and legally considered to be either separately regulated government agencies, or ecclesiastical municipalities. Associated with the Church were also a number of third-sector organizations, such as the youth league of the Church of Sweden, as well as a number of more archaic and separately regulated properties, which the government commissions of the 1990s described as foundation-like entities. At that time, the Church could be described as a set of legally regulated public sector institutions with a certain amount of autonomy, i.e. a legally established church, which could be considered to have only slightly more separate institutions than, for example, the Church of England. This system could be considered corporatist, in that the Church constituted a separate organization with its own membership, representative bodies, and internal hierarchies, but was still shaped by regulations in the form of national law, while its direct role in the legislative process had at that point only recently been removed. As a corporatist structure, the Church of Sweden could at that point be considered something of an anomaly in Swedish society, in spite of its adaptations to public-sector representative democracy.

After the reform of year 2000, the Church has significantly more third-sector characteristics. It exists as a group of distinct legally-enabled organizations, which are all legally considered to be separate from the state. They are also clearly non-profit, and classified as such for tax purposes. The Church is primarily funded by membership fees, and the membership is now voluntary, requiring a voluntary action, such as baptism. Even though this action may be performed on the initiative of the parents of an infant, it contrasts sharply with the previous automatic membership assigned to every newborn. From the viewpoint of Salmon's and Anheier's (1997) definition of the third sector, the Church of Sweden is now a third sector organization.

However, the registration of religious denominations and their specific relation to the tax

office also suggests that while the Church of Sweden is now treated more similarly to other registered denominations, this does not only imply an increased distance between the Church of Sweden and the state, but also a closer relation between the state and the other registered denominations, mediated through the National Council of Religious Denominations. This relationship could be considered neo-corporative, and thus conforming to how the Swedish state typically relates to third sector organizations (cf. Harding 2013). This is fully in line with the main argument used for further separating church and state; that the increased religious pluralism of Swedish society demanded a more equal treatment of religious denominations, without the state unduly favoring any single denomination. It is also in line with another central argument for the separation, namely that the creation of a democratic structure for the Church of Sweden has enabled it to act as a legitimate democratic organization, while democratic legitimacy had previously been provided through the democratic organs of the state regulating the Church (Harding 2016a).

The relationship between the Church of Sweden and the State is also not entirely the same as that of the other registered denominations and the State. The Law on the Church of Sweden regulates both the organizational structure of the Church of Sweden, and its creed. It is interesting to note that the many properties and entities in the Church of Sweden which could be seen as forerunners of modern civil society, e.g. self-owning parish churches, and foundation-like properties dedicated to finance certain purposes, have now been transferred to (at least partially) membership-based organizations, primarily Church parishes. This does not simply constitute a step towards, or away, from the state in relation to the third sector – this aspect of the reform is better described as an adaption of proto-third-sector features to the standard modes of organization in the modern Swedish third sector. The same could be said of the establishment of elected assemblies and boards representing the members of the Church, i.e. representing a democratic form of legitimacy in organizational authority, contrasting to the authority of the clerical hierarchy, but similar to the democracy of popular movements, and even more similar to that of the secular public sector.

While the government and the new legislation supported both, the democratic and the clerical aspects of Church organization, it is also evident that the government commissions considered the introduction of these democratically legitimated bodies an important step towards establishing a form of organization which would legitimate the Church as an independent organization. In this sense, the reforms could be considered to constitute an adaption of the organization of the Church to the isomorphic norms of Swedish civil society, what has been metaphorically described as a ‘popular-movement marinade’, in which the Swedish third sector is steeped. That the Church continues to perform delegated government responsibilities – whether providing for funerals, preserving cultural heritage, or providing welfare services – was not considered to make it less independent.

Many experts are now seeing a tendency of the Swedish third sector to take a more active role in welfare services, which were previously generally viewed as responsibilities of the welfare state only, and not just as advocacy organizations or interest groups. The Church of Sweden and organizations close to it have always provided such services, but it now appears

to be acting more freely as an advocacy organization, as well as a service provider (cf. Wijkström 2014). There is thus reason to believe that the Church of Sweden will continue to adapt to the norms of the Swedish third sector, even when those norms may be changing, adapting the popular movement organization to new normative concepts originating in the public sector, as well as in the market, and in the international third sector.

While the reforms discussed in this paper can be considered to have increased the distance between church and state – in that the Church of Sweden is now more distinct as a separate non-profit entity – it cannot be considered fully independent as long as both, its organizational form, and its religious creed, remain legally regulated. The continued influence of political parties in Church affairs also represents a strong organizational connection between the church and the state. The transferal of many church properties from pre- or early-modern foundation-like institutions to membership-based organizations represents a decrease in legislative regulation, but also increased opportunities for political control. However, the present form of Church organization appears to be in line with the reasoning of the commissions, as well as with the will of the Church, as organized at the time.

References

Literature

Berggren, H, & Trägårdh, L. 2015. *Är svensken människa? Gemenskap och oberoende i det moderna Sverige*. 2nd et. Stockholm: Norstedts.

Bexell, O. 2003. *Sveriges Kyrkohistoria: Folkväckelsens och kyrkoförnyelsens tid*. Stockholm: Verbum.

Blückert, K. 2000. *The Church as Nation: A Study in Ecclesiology and Nationhood*. Frankfurt: Peter Lang.

Bromander, J. 2013 ”Religiositet i Sverige” in Lennart Weibull, Henrik Oscarsson & Annika Bergström (eds.) *Vägskäl*, pp. 291-303. Göteborgs universitet: SOM-institutet.

Casanova, J. 1994. *Public religions in the modern world*. Chicago, IL: University of Chicago Press.

Casanova, J. 2014. “Two dimensions, temporal and spatial, of the secular: comparative reflections on the Northern Protestant and Southern Catholic perspectives from a global perspective”. In: R. van den Breemer, J. Casanova and T. Wyller (eds.) *Secular and sacred? The Scandinavian case of religion in human rights, law and public space*. pp. 21-33. Göttingen: Vandenhoeck & Ruprecht.

Claesson, U. 2004. *Folkhemmets kyrka. Harald Hallén och folkkyrkans genombrott, En studie av socialdemokrati, kyrka och nationsbygge med särskild hänsyn till perioden 1905–*

1933. Uppsala: Acta Universitatis Upsaliensis.
- Ekström, S. 2003. *Makten över kyrkan, om Svenska kyrkan, folket och staten*. Stockholm: Verbum.
- Inger, G. 2002. "Kyrkolagstiftningen under 1600-talet" in Ingun Montgomery (ed.) *Sveriges kyrkohistoria: Enhetskyrkans tid*, pp. 204-213. Stockholm: Verbum.
- Harding, T. 2007. *Nationalising Culture: The Reorganization of National Culture in Swedish Cultural Policy 1970-2002*. Norrköping: Linköping University.
- Harding, T. 2012. "How to Establish a Study Association: Translation, Packaging and Isomorphic Pressures on New CSOs Entering a Neo-Corporative Adult Education Field in Sweden" in *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, vol. 23, number 1, 2012.
- Harding, T. 2013. "Faith-Based Organizations and the Secular State: The Establishment of a Muslim Study Association in Sweden", *Journal of Muslim Minority Affairs*, vol. 33, no. 3, 341-355.
- Harding, T. 2016a. "The dawn of the secular state? Heritage and identity in Swedish church and state debates 1920–1939" in *International Journal of Cultural Policy*, volume 22, issue 4, pp. 631-647.
- Harding, T. 2016b. "The Heritagization of Religion: Heritagization Processes in Swedish Policies on Religious Built Heritage 1920-2015", paper presented at the international conference of the Association for Critical Heritage Studies, in Montreal 2016.
- Hvenmark, J. 2008. *Reconsidering membership. A study of individual members' formal affiliation with democratically governed federations*. Stockholm: Handelshögskolan.
- Hvenmark, J. & F. Wijkström 2004. *The Popular Movement Marinade: The dominant civil society framework in Sweden*. Working Paper Series in Business Administration. No. 18. Stockholm: Stockholm School of Business.
- Laxvik, I. 1992. *Olof Sundby: Ärkebiskop i tiden*. Stockholm: Verbum.
- Luther, Martin 1883. *Martin Luthers Werke: Kritische Gesamtausgabe*. Volume 7. Weimar: H. Böhlau.
- Munk Christiansen, P., A. Nørgaard, H. Rommetvedt, T. Svensson, G. Thesen, P. O. Öberg 2010. "Varieties of Democracy: Interest Groups and Corporatist Committees in Scandinavian Policy Making". In *Voluntas* (2010) 21:22–40.
- Naumann, I. K. 2014. "Consensus, Conflict, or Compromise? Church-State Relations in the Swedish 'People's Home' During the 1920s and 1930s" in *Journal of Church and State*, vol. 56 no. 1, pp. 36 – 59.

Persson, Göran 2007. *Min väg, mina val*. Stockholm: Bonniers.

Powell, W. W. & P. J. DiMaggio 1991. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields" in Walter W. Powell & Paul J. DiMaggio (eds.) *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press.

Rothstein, B. & Trägårdh, L. 2007. "The State and Civil Society in a Historical Perspective: The Swedish Case" in Lars Trägårdh (ed.) *State and Civil Society in Northern Europe: The Swedish Model Reconsidered*. pp. 229-252. Oxford: Berghahn Books.

Salamon, L.M. & Anheier, H.K. 1997. *Defining the Nonprofit Sector: A Cross-national Analysis*. Manchester: Manchester University Press.

SCB 2014. *Det civila samhället 2011–2012 – verksamhetsindelad statistik med fokus på ekonomiska förhållanden*. Stockholm: SCB.

Taylor, C. 2007. *A Secular Age*. Harvard: Harvard University Press.

Thorkildsen, D. 2014. "West Nordic and East Nordic Religiousness and Secularity: Historical Unity and Diversity". In: R. van den Breemer, J. Casanova and T. Wyller (eds.) *Secular and sacred? The Scandinavian case of religion in human rights, law and public space*. pp. 85-101. Göttingen: Vandenhoeck & Ruprecht.

Trägårdh, L. 2011. "Rethinking the Position of Civil Society in the Nordic Social Contract: Social Trust and Radical Individualism". In Filip Wijkström & Annette Zimmer (eds.) *Nordic Civil Society at a Cross-Roads: Transforming the Popular Movement Tradition*, pp. 313-333. Baden-Baden: Nomos.

Wijkström, F. 1997. "The Swedish Nonprofit Sector in International Comparison". In *Annals of Public and Cooperative Economics* 68:4, 1997, pp. 625-663.

Wijkström, F. 2014. "Svenska kyrkan i ett omförhandlat samhällskontrakt". In: A. Bäckström (ed.) *Välfärdsinsatser på religiös grund: Förväntningar och problem*, pp. 221–258. Skellefteå: Artos & Norma.

Witte, J. 2014. "'God is Hidden in the Earthly Kingdom: The Lutheran Two-Kingdoms Theory as Foundation of Scandinavian Secularity". In: R. van den Breemer, J. Casanova and T. Wyller (eds.) *Secular and sacred? The Scandinavian case of religion in human rights, law and public space*. pp. 56-84. Göttingen: Vandenhoeck & Ruprecht.

Weber, M. 1922. *Economy and Society*. Ed. Guenther Roth & Claus Wittich. Berkeley: University of California Press.

Weber, M. 1930. *The Protestant Ethic and the Spirit of Capitalism*. Ed. Talcott Parsons. New York: Charles Scribner's Sons.

Source material

Government Bill 1981/82:77. *Om formerna för den kyrkliga lagstiftningen m.m.*

Government Bill 1995/96:80. *Ändrade relationer mellan staten och Svenska kyrkan.*

Government Bill 1997/98:116. *Staten och trossamfunden. Bestämmelser om Svenska kyrkan och andra trossamfund.*

Government Bill 1998/99:38. *Staten och trossamfunden. Begravningsverksamheten, kulturminnena, personalen, avgiftsbetalningen, m.m.*

SFS 1951:680. *Religionsfrihetslag.*

SFS 1974:152. *Regeringsformen.*

SFS 1998:1593. *Lag om trossamfund.*

SFS 1998:1591. *Lagen om Svenska kyrkan.*

SOU 1972:36. *Samhälle och trossamfund. Slutbetänkande av 1968 års beredning om stat och kyrka.*

SOU 1992:9. *Ekonomi och rätt i kyrkan. Slutbetänkande av ERK-utredningen.*

SOU 1994:42. *Staten och trossamfunden. Slutbetänkande av Kyrkoberedningen.*

SOU 1997:41. *Staten och trossamfunden. Rättslig reglering: grundlag, lag om trossamfund, lag om svenska kyrkan. Betänkande av Utredningen om trossamfundens rättsliga reglering.*

SOU 1997:42. *Staten och trossamfunden. Begravningsverksamheten. Betänkande av Begravningsverksamhetskommittén.*

SOU 1997:43. *Staten och trossamfunden. Den kulturhistoriskt värdefulla kyrkliga egendomen och de kyrkliga arkiven. Betänkande av Kommittén angående det kyrkliga kulturarvet.*

SOU 1997:44. *Staten och trossamfunden. Svenska kyrkans personal. Betänkande av Utredningen om kyrkans personal och om samfundsstöd.*

SOU 1997:45. *Staten och trossamfunden. Stöd, skatter och finansiering. Betänkande av Utredningen om kyrkans personal och om samfundsstöd.*

SOU 1997:47. *Staten och trossamfunden. Den kyrkliga egendomen. Betänkande av Kammarkollegiet.*

SOU 1997:55 *Staten och trossamfunden. Sammanfattningarna av förslagen från de statliga*

utredningarna.